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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,474	07/02/2003	Steven E. Lentsch	163.1202US01	3135
23552	7590	11/03/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			BOYER, CHARLES I	
			ART UNIT	PAPER NUMBER
			1751	
DATE MAILED: 11/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/612,474

Applicant(s)

LENTSCH ET AL.

Examiner

Charles I. Boyer

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,25,27-34 and 38-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-11,25,27-34 and 38-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date Aug 17, 2005
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is responsive to applicants' amendment and response received August 8, 2005. Claims 1, 4-11, 25, 27-34, and 38-53 are currently pending.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-8, 25, and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartenstein, GB 1,442,885.

Hartenstein teaches dishwashing detergent compositions, an example of which comprises 84% sodium carbonate, sodium metasilicate, and sodium tripolyphosphate builders, 2% nonionic surfactant, 2% potassium dichloroisocyanurate, 0.2% aluminum oxide, 0.32% zinc oxide, and 8% water (col. 5, example IV). The examiner notes that automatic dishwashing detergents have an alkaline pH and therefore inherently have a pH of at least about 8. As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Applicants have traversed this rejection on the grounds that the present invention is provided in the form of a solid as a result of extrusion or casting, and includes a hardening agent, which is not taught by the reference. Though this is

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true, forming a solid as a result of extrusion or casting is a product by process limitation, and as the composition is a solid and is therefore hardened, at least a substance that hardens, i.e. a hardening agent, is inherently present in the composition. Accordingly, the rejection is maintained.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-11, 25, 28-34, and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karlheinz, GB 2,372,500.

Karlheinz teaches a water soluble glass for the inhibition of corrosion of glassware during automatic dishwashing (see abstract). An example of such a composition is a glass block comprising 19% zinc oxide and 1% aluminum oxide wherein the block is used with a commercially available automatic dishwashing detergent, Calgonit powerball Tab (page 6, experiment 3). As of this writing, the specific composition of Calgonit Powerball Tab is not known, so specific amounts of cleaning agents and alkaline sources are not taught by the reference, however, as surfactants and sources of alkalinity are present in nearly every automatic dishwashing detergent known, selection of effective amounts of these components is an obvious design choice to one of ordinary skill in the art.

Applicants have traversed this rejection on the grounds that the composition claimed contains 0.5 to 20% surfactant. The examiner acknowledges that the glass itself of Karlheinz does not contain surfactants, however, as the glass is used in conjunction with a dishwashing detergent, such that the metal ions are present in the wash liquor along with the detergent composition, the examiner maintains this "in-use" composition satisfies the material limitations of the claims at hand. With respect to a hardening agent, as the composition is a solid and is therefore hardened, at least a substance that hardens, i.e. the glass itself, satisfies this limitation.

5. Claims 1, 4-11, 25, 27-34, and 38-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartenstein, GB 1,442,885.

Hartenstein is relied upon as set forth above. With respect to well-known automatic dishwashing additives such as anti-redeposition agents, defoamers, and encapsulated bleaches, the inclusion of such well-known additives in the automatic dishwashing detergents of the present claims does not represent an unobvious modification over the teachings of Hartenstein.

1. Claims 1, 5-11, 25, 28-34, and 38-53 rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn et al, WO 02/068352.

Hahn et al teach water soluble glass as a corrosion protector in dishwashing machines (see abstract). An example of this glass contains 19 mole% zinc oxide and 1 mole% aluminum oxide (page 6, table). Note that this glass is formed by casting (page

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4, line 23). Further note that this glass is used in conjunction with a dishwashing detergent such that the metal ions are present in the wash liquor along with the detergent composition. As typical dishwashing detergent contain surfactants and alkaline builders, the examiner maintains an in-use detergent composition will satisfy the limitations presently claimed. The examiner acknowledges that the glass itself of Hahn et al does not contain surfactants, however, as the glass is used in conjunction with a dishwashing detergent, such that the metal ions are present in the wash liquor along with the detergent composition, the examiner maintains this "in-use" composition satisfies the material limitations of the claims at hand. With respect to a hardening agent, as the composition is a solid and is therefore hardened, at least a substance that hardens, i.e. the glass itself, satisfies this limitation. With respect to well-known automatic dishwashing additives such as anti-redeposition agents, defoamers, and encapsulated bleaches, the inclusion of such well-known additives in the automatic dishwashing detergents of the present claims does not represent an unobvious modification over the teachings of Hahn et al.

### ***Conclusion***

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Charles I Boyer". The signature is fluid and cursive, with the first name "Charles" and last name "Boyer" clearly distinguishable.

Charles I Boyer  
Primary Examiner  
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